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| 10/804,333 | 03/18/2004 | Takeshi Idemura | 1232-5343 | 7006 |
| 27123 7590 06/18/2007 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101 | | | EXAMINER KHAN, USMAN A | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/804,333

Applicant(s)

IDEMURA ET AL.

Examiner

Usman Khan

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objection

Claim 16 is objected to because of the following informalities: This independent claim should start with "A". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 10 applicant claims that "wherein the device is a **demand**", neither the spec nor the claims from which this claim 11 depends defines a demand. It is unclear to the examiner to what this limitation encompasses in the scope of the invention. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawachi (US PgPub 2002/0030744).

Regarding **claim 1**, Sawachi teaches an operation apparatus which is used with a device for image-taking (figure 4 items 11 and 13); comprising: a display member which displays an information concerning a function of the device (figure 4 item 104); and a first operation switch for setting the function according to the information displayed on the display member (figure 4 item 13 with directional pad).

Regarding **claim 16**, Sawachi teaches a device for image-taking (figure 4 item 11), comprising; the operation apparatus according to claim 1 (see discussion of claim 1 above); and an optical adjusting member (it is inherent that the camera of figure 4 includes adjustable lenses).

Claims 1 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsukahara et al. (US PgPub 2002/0018134).

Regarding **claim 1**, Tsukahara et al. teaches an operation apparatus which is used with a device for image-taking (figure 1 items 61 and 62); comprising: a display member which displays an information concerning a function of the device (figure 1 item 64); and a first operation switch for setting the function according to the information displayed on the display member (figure 1 item 13).

Regarding **claim 16**, Tsukahara et al. teaches a device for image-taking (figure 1 item 61), comprising; the operation apparatus according to claim 1 (see discussion of claim 1 above); and an optical adjusting member (it is inherent that the camera lens 63 of figure 1 is adjustable).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 9 and 11 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko et al. (US patent No. 6,035,137) in further view of Hozumi et al. (US patent No. 5,589,907).

Regarding **claim 1**, Kaneko et al. teaches an operation apparatus which is used with a device for image-taking (figure 1 items 1 and 2); comprising: a first operation switch for setting the function (figure 1 item 34).

Kaneko et al. teaches most of the limitations of claim 1, However Kaneko et al. fails to teach an operation apparatus; comprising: a display member which displays an information concerning a function of the device and setting a function according to the information displayed on the display member.

Hozumi et al., on the other hand teaches teach an apparatus comprising: a display member which displays an information concerning a function of the device and setting a function according to the information displayed on the display member.

More specifically, Hozumi et al. teaches an apparatus comprising: a display member which displays an information concerning a function of the device (figure 1 item 11 and column 4 lines 9 *et seq.*) and setting a function according to the information displayed on the display member (plurality of buttons from figure one are operated in accordance to the display to set functions e.g. figure 1 items 3 - 9, 15, and 16).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Hozumi et al. with the teachings of Kaneko et al. because as stated in column 4, lines 9 *et seq.* Hozumi et al. teaches that display shutter speed, aperture, film exposure counter, film speed, etc will be displayed on the display which in turn will result in easier to view modes and settings via the display when combined in the operation apparatus of Kaneko et al.

Regarding **claim 2**, as mentioned above in the discussion of claim 1 Kaneko et al. in further view of Hozumi et al. teach all of the limitations of the parent claim.

Additionally, Kaneko et al. teaches that the operation apparatus can be attached to the device (figure 1 items 1 and 2).

Regarding **claim 3**, as mentioned above in the discussion of claim 2 Kaneko et al. in further view of Hozumi et al. teach all of the limitations of the parent claim. Additionally, Hozumi et al. teaches the display member displays an information concerning the condition of the device (column 4, lines 9 *et seq.*, teaches that display shutter speed, aperture, film exposure counter, film speed, etc will be displayed on the display).

Regarding **claim 4**, as mentioned above in the discussion of claim 2 Kaneko et al. in further view of Hozumi et al. teach all of the limitations of the parent claim. Additionally, Kaneko et al. teaches that the device is a lens apparatus which has an optical adjusting member (figure 1 item 2), and the operation apparatus is a drive unit which controls the driving of the optical adjusting member (figure 1 items 1 and 2).

Regarding **claim 5**, as mentioned above in the discussion of claim 4 Kaneko et al. in further view of Hozumi et al. teach all of the limitations of the parent claim. Additionally, Hozumi et al. teaches that the display member and the first operation switch are provided on the hold surface of the drive unit (figure 4 item 51 also figures 9 and 10).

Regarding **claim 6**, as mentioned above in the discussion of claim 4 Kaneko et al. in further view of Hozumi et al. teach all of the limitations of the parent claim. Additionally, Kaneko et al. teaches that the device is a lens apparatus which has an optical adjusting member (figure 1 item 2), and the operation apparatus can be attached to a drive unit which controls the driving of the optical adjusting member (figure 1 item 1 and 2).

Regarding **claim 7**, as mentioned above in the discussion of claim 2 Kaneko et al. in further view of Hozumi et al. teach all of the limitations of the parent claim. Additionally, Kaneko et al. teaches that the device is a lens apparatus which has an optical adjusting member (figure 1 item 2), and the operation apparatus is a drive unit which has a second operation switch for driving the optical adjusting member (figure 1 item 22), by operating the first operation switch, a parameter which decides the relationship between the driving speed of the optical adjusting member and the operation amount of the second operation switch can be set (figure 2 item 34).

Regarding **claim 8**, as mentioned above in the discussion of claim 2 Kaneko et al. in further view of Hozumi et al. teach all of the limitations of the parent claim. Additionally, Hozumi et al. teaches that the at least the display member is provided on the top surface of the operation apparatus (figure 1 item 11).

Regarding **claim 9**, as mentioned above in the discussion of claim 2 Kaneko et al. in further view of Hozumi et al. teach all of the limitations of the parent claim. Additionally, Hozumi et al. teaches that the at least the display member is provided on the surface of opposite side to an object side of the operation apparatus (figure 1 item 10).

Regarding **claim 11**, as mentioned above in the discussion of claim 2 Kaneko et al. in further view of Hozumi et al. teach all of the limitations of the parent claim. Additionally, Kaneko et al. teaches that the device is a demand which connects a lens apparatus having an optical adjusting member (figure 1 items 1 and 2) and a driving control section (column 1 lines 61 *et seq.* controlling of the lenses) controlling the driving of the optical adjusting member (figure 1 items 1 and 2) and outputs a command signal to the driving control section (figures 4 - 5), and the operation apparatus can be attached to the demand (figure 1 items 1 and 2).

Regarding **claim 12**, as mentioned above in the discussion of claim 2 Kaneko et al. in further view of Hozumi et al. teach all of the limitations of the parent claim. Additionally, Kaneko et al. teaches that the device is a lens apparatus which has an optical adjusting member (figure 1 items 1 and 2) and a driving control section (column 1 lines 61 *et seq.* controlling of the lenses) controlling the driving of the optical adjusting member (figure 1 items 1 and 2), and the operation apparatus can be attached to the lens apparatus (figure 1 items 1 and 2).

Regarding **claim 13**, as mentioned above in the discussion of claim 1 Kaneko et al. in further view of Hozumi et al. teach all of the limitations of the parent claim. Additionally, Kaneko et al. teaches that the operation apparatus has a function in which at least one of a plurality of functions having the device is allocated to a third operation switch provided on the operation apparatus (figure 1 items 24).

Regarding **claim 14**, as mentioned above in the discussion of claim 13 Kaneko et al. in further view of Hozumi et al. teach all of the limitations of the parent claim. Additionally, Hozumi et al. teaches that the display member displays an information concerning a condition of the device (column 4, lines 9 *et seq.*, teaches that display shutter speed, aperture, film exposure counter, film speed, etc will be displayed on the display).

Regarding **claim 15**, as mentioned above in the discussion of claim 13 Kaneko et al. in further view of Hozumi et al. teach all of the limitations of the parent claim. Additionally, Hozumi et al. teaches that at least one of the functions is a cancellation of the operation of the third operation switch (column 4 lines 1 – 5; switch 24 can be used to cancel the modes of either auto or manual modes).

Regarding **claim 16**, Kaneko et al. teaches a device for image-taking (column 1 lines 54 *et seq.*) comprising: an operation apparatus which is used with a device for

image-taking (figure 1 items 1 and 2); comprising: a first operation switch for setting the function (figure 1 item 34). The device including an optical adjusting member (figure 1 item 2).

Kaneko et al. teaches most of the limitations of claim 1, However Kaneko et al. fails to teach an operation apparatus; comprising: a display member which displays an information concerning a function of the device and setting a function according to the information displayed on the display member.

Hozumi et al., on the other hand teaches teach an apparatus comprising: a display member which displays an information concerning a function of the device and setting a function according to the information displayed on the display member.

More specifically, Hozumi et al. teaches an apparatus comprising: a display member which displays an information concerning a function of the device (figure 1 item 11 and column 4 lines 9 *et seq.*) and setting a function according to the information displayed on the display member (plurality of buttons from figure one are operated in accordance to the display to set functions e.g. figure 1 items 3 - 9, 15, and 16).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Hozumi et al. with the teachings of Kaneko et al. because as stated in column 4, lines 9 *et seq.* Hozumi et al. teaches that display shutter speed, aperture, film exposure counter, film speed, etc will be displayed on the display which in turn will result in easier to view modes and settings via the display when combined in the operation apparatus of Kaneko et al.

Regarding **claim 17**, as mentioned above in the discussion of claim 136 Kaneko et al. in further view of Hozumi et al. teach all of the limitations of the parent claim. Additionally, Kaneko et al. teaches that the device is a lens apparatus which can be attached to a camera through a mount (figure 1 item 10), the display member and the first operation switch are provided on the mount (figures 1 and 2).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko et al. in further view of Hozumi et al. in further view of Examiners Official Notice.

Regarding **10**, as mentioned above in the discussion of claim 2 Kaneko et al. in further view of Hozumi et al. teach all of the limitations of the parent claim.

However, Kaneko et al. in further view of Hozumi et al. fails to teach a cover member which covers at least one of the display member and the first operation switch.

The examiner takes Official Notice that it is old and well known in the art to use a cover in a camera to cover a display and/or buttons.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a cover to cover a display and buttons to protect these components when they are not in use.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Uekane et al. (US patent No. 5,559,554) teaches an apparatus for controlling a lens drive.

Fushimoto (US patent No. 6,903,773) teaches an apparatus for controlling a lens drive.

Goto (US patent No. 5,016,034) teaches multiple display screens

Idemura (US patent No. 6,307,342) teaches an apparatus that is attached to a camera lens for driving the lens.

Kanayama et al. (US patent No. 6,292,313) teaches an apparatus that is attached to a camera lens for driving the lens.

Kaneko et al. (US patent No. 6,466,378) teaches an apparatus that is attached to a camera lens for driving the lens.

Mizumura (US patent No. 6,526,232) teaches an apparatus that is attached to a camera lens for driving the lens.

Kaneko et al. (US patent No. 6,512,542) teaches an apparatus that is attached to a camera lens for driving the lens.

Yoshikawa et al. (US PgPub 2001/0040638) teaches an apparatus that is attached to a camera lens for driving the lens.

Parulski et al. (US PgPub 2003/0193603) teaches an apparatus for controlling a lens drive.

Hibino et al. (US PgPub 2002/0181722) teaches an apparatus for controlling a lens drive.

Senda (US PgPub 2002/0130962) teaches an apparatus for controlling a lens drive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-1131. The examiner can normally be reached on Mon-Thru 6:45-4:15; Fri 6:45-3:15 or Alt. Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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06/04/2007
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